

**Notice of Allowability**

Application No.

10/069,062

Examiner

Padmavathi v. Baskar

Applicant(s)

ROSAMUND ET AL.

Art Unit

1645

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/08/2005.
2. ☒ The allowed claim(s) is/are 1, 16, 10 and 15 have been renumbered as 1-4 respectively.
3. ☒ The drawings filed on 21 February 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application (PTO-152)
- ☒ Interview Summary (PTO-413), Paper No./Mail Date 8/17/05
- ☒ Examiner's Amendment/Comment
- ☐ Examiner's Statement of Reasons for Allowance
- ☐ Other \_\_\_\_\_

LYNETTE R. F.   
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER

### DETAILED ACTION

1. Applicant's amendment filed on 6/8/05 is acknowledged.

#### *Status of Claims*

2. Claims 1 and 15 have been amended.  
Claims 17-24 have been cancelled.  
Claims 1, 10 and 15-16 are pending.
3. In view of amendment and cancellation of claims, the scope rejection under 35 U.S.C 112, first paragraph is withdrawn.
4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Bonnie Weiss McLeod on 8/17/05

The application has been amended as follows:

Claim 10 (currently amended): A method to identify compounds that inhibit Phosphomevalonate kinase (PMK) activity, said method comprising the steps of contacting a test compound with the polypeptide of claim 1, in the presence of appropriate assay components and under conditions effective to detect inhibition of the (transfer of a phosphorous molecule from ATP to phosphomevalonate) PMK activity.

Claim 15 (currently amended): A diagnostic kit for detecting the presence of *Candida albicans* comprising (one or more antibodies capable of selectively binding to) an antibody that selectively binds to the polypeptide of claim 1.

Claim 16 (currently amended) The purified polypeptide having

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Phosphomevalonate kinase (PMK) activity of claim 1 wherein the polypeptide is (capable of isolation) isolated from *Candida albicans*.

5. Claims 1, 16, 10 and 15 are allowed and have been renumbered as 1-4 respectively.

### **Conclusion**

6. Papers related to this application may be submitted to Group 1600, AU 1645 by facsimile transmission. Papers should be transmitted via the PTO Fax Center, which receives transmissions 24 hours a day and 7 days a week. The transmission of such papers by facsimile must conform to the notice published in the Official Gazette, 1096 OG 30, November 15, 1989. The Right Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PMR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PMR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PMR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Padma Baskar Ph.D., whose telephone number is ((571) 272-0853. A message may be left on the Examiner's voice mail system. The Examiner can normally be reached on Monday to Friday from 6.30 a.m. to 4.00 p.m. except First Friday of each bi-week.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynette Smith can be reached on (571) 272-0864. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1600.

  
Padma Baskar Ph.D.

Claim 1: A purified polypeptide having phosphomevalonate kinase (PMK) activity comprising the amino acid sequence depicted in SEQ ID No. 7

Claims 2-9 (cancelled).

3 Claim ~~10~~: A method to identify compounds that inhibit phosphomevalonate kinase (PMK) activity, said method comprising the steps of contacting a test compound with the polypeptide of claim 1, in the presence of appropriate assay components and under conditions effective to detect inhibition of the PMK activity.

Claims 11-14 (cancelled).

4 Claim ~~15~~: A diagnostic kit for detecting the presence of *Candida albicans* comprising an antibody that selectively binds to the polypeptide of claim 1.

2 Claim ~~16~~ (previously presented) The purified polypeptide having phosphomevalonate kinase (PMK) activity of claim 1 wherein the polypeptide is isolated from *Candida albicans*.

Claim 17-24 (cancelled).